

CLAIM OF OWASA NAKANISHI

[No. 146-35-1666. Decided June 7, 1951]

FINDINGS OF FACT

This claim, in the amount of \$564, was received by the Attorney General on March 21, 1949, and alleges loss through forced sale and abandonment, together with pre-evacuation and postevacuation expenditures. All the property involved represented the community estate of claimant and her husband, Seiichi Nakanishi. Claimant and her husband were both born in Japan of Japanese parents and have at no time since December 7, 1941, gone to Japan. On December 7, 1941, also for some time prior thereto, the parties actually resided at 207-D Cannery Street, Terminal Island, California, from which address they removed on February 26, 1942, in accordance with military orders issued under authority of Executive Order No. 8972. Following such removal the parties resided at 227 North San Pedro Street, Los Angeles, California, from which address claimant was evacuated on April 4, 1942, under military orders pursuant to Executive Order No. 9066 to the Manzanar Relocation Center. Claimant's husband was not evacuated with her, having been apprehended as an alien enemy on March 26, 1942. He was detained until July 17, 1942, when he was released by order of the Attorney General and thereafter, on July 18, 1942, was likewise inducted into the Manzanar Relocation Center. At the time of their departure from Terminal Island, the parties were forced to sell a radio then fairly worth \$25 for \$5, with resultant loss of \$20, and also to abandon certain other personalty then fairly worth \$149.50. Their conduct was reasonable in the circumstances.

In addition to claiming for the loss on sale and abandonment, claimant seeks reimbursement of \$192.50 allegedly expended for rent and board during the interval between her removal from Terminal Island and her evacuation to the Manzanar Relocation Center and also of \$35.35 claimed to have been spent for the acquisition of miscellaneous personalty in preparation for her evacuation and subsequently used at the relocation center. She likewise alleges expenditures totaling \$114 for rent and food while seeking employment upon her return from the relocation center.

Claimant's husband has filed no claim, appointing claimant as his agent to act for the martial community in his behalf. The losses involved have not been compensated for by insurance or otherwise.

REASONS FOR DECISION

Removal from Terminal Island constituting statutorily cognizable "evacuation or exclusion," *Sina Katsuma, ante*, p. 186, the losses through sale and abandonment are allowable. *Toshi Shimamaye, ante*, p. 1; *Usasuke Charlie Yamamoto, ante*, p. 55. Claimant's preevacuation and postevacuation expenditures, however, are not allowable. *Mary Sogawa, ante*, p. 126. The designation of claimant as agent for her husband is valid. *Toshiko Usui, ante*, p. 112. No casual relation existing between the apprehension of claimant's husband as an alien enemy and the losses involved, the provisions of Section 2 (b) (2) are inapplicable.